



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,932	08/26/2003	Jackson Jarrell Pair	028080-0109	3088

7590 10/03/2007
MCDERMOTT, WILL & EMERY
Suite 3400
2049 Century Park East
Los Angeles, CA 90067

EXAMINER

LAY, MICHELLE K

ART UNIT	PAPER NUMBER
----------	--------------

2628

MAIL DATE	DELIVERY MODE
-----------	---------------

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/647,932

Applicant(s)

PAIR ET AL.

Examiner

Michelle K. Lay

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-29, 32 and 37.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: Interview Summary attached.

KEE M. TUNG
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant argues the virtual objects displayed in Ohshima et al.'s (2003/0032484 A1) HMD would not be able to be displayed on Ritchey's (5,130,794) wall displays, as modified by Examiner. Examiner respectfully disagrees. Applicant argues that if the consolidated imagery of real and virtual images of Ohshima's HMD were displayed on a wall, the real image would appear in the wrong place. However, the real objects seen in Ohshima's HMD are not rendered on the display, but rather the HMD of Ohshima is a see-through display, i.e., the real objects are seen through the display, where the virtual objects are rendered on the display and are rendered corresponding to the locations of the real objects, so that the real and virtual objects can interact. Therefore, it would have been possible at the time the invention was made for the modification of Ohshima's HMD to be displayed on the wall displays of Ritchey since the walls of Ritchey displays the virtual objects of Ohshima with respect to the real objects.

In regards to claim 2, Applicant argues Ohshima in view of Ritchey fails to teach, "the display to be configured and positioned so as to appear to the individual to be an integrated and seamless part of the scene that is something other than the display. However, as noted by Applicant, Ritchey teaches the displays surround the viewer and present a continuous scene. Thus, to the viewer, the displays appear to be a continuous scene and not displays.

Applicant argues Ritchey fails to teach assembly in various different configurations. Although Ritchey does not explicitly teach different configuration, the display systems and optical enlargements means are mounted on spring-hinged doors, latches, or rollers, allow the entry and exit to move back and forth in an open and closed position [c.28 L.28-32]. These means may also be used for easy assembly and disassembly.

Applicant argues Ohshima in view of Ritchey and Lyons fails to teach a display a sequence of images as a function of the interaction between the individual and the scene. However, Lyons teaches a virtual reality environment where, as described in Fig. 6, by taking a step forward, the user causes SBIP to move graphical means.

In regards to Applicant's arguments concerning claims 6-9, the claim limitations only require real objects, such as an operable door or windows to be positioned in front of the wall of the display, thus the real objects taught by Ohshima teaches such limitations.

In regards to Applicant's concerning claim 10, as stated in the Final office action, the techniques of Santodomingo enables the use of tiles in a more versatile fashion over any type of surface, such as a fictitious world, or a simulated wall [Col. 8 lines 27-31]. Furthermore, each tile may instead correspond to any desired subdivision [col. 8 lines 10-12]. Therefore, it would have been obvious to one of ordinary skill in the art to display fictitious worlds behind the real objects, such as a door or window, to provide realism to the user within the display assembly of Richey. Furthermore, by having the ability to apply different textures to different parts of the display, the walls (i.e. displays) of Richey would be apply to simulate different fictitious worlds, i.e., a plurality of different rooms, of say, within a home. Furthermore, it would have been obvious to one of ordinary skill in the art to "decorate" such rooms with the real objects as taught by Ohshima, to provide a realism within the augmented reality environment.